



PLANNING BOARD TOWN OF PORTER

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Approved February 6, 2020

Thursday, January 2, 2020

The regular meeting of the Town of Porter Planning Board was called to order at 7:02 p.m. with the Pledge to the Flag.

Present: Chairperson J. Anthony Collard, Member Mark Fox, Member Robert Tower, Member Jeffrey Schulze, Member Ryan Ross, Code Enforcement Officer Peter Jeffery, Secretary Amy Freiermuth

Excused: Attorney Michael Dowd

Chairperson Collard announced that the Town of Porter Board reappointed him as the Chairperson for the Planning Board for 2020. Planning Board Vice Chairperson G. Edward "Jipp" Ortiz was appointed to the Town Board to fill the vacancy left by Board Member Irene Myers who is now a Niagara County Legislator. The Town Board also appointed Ryan Ross to the Planning Board to fill the vacancy left by Mr. Ortiz.

Chairperson Collard made a motion to appoint Member Schulze to the Vice Chairperson position with a second by Member Fox.

With no further discussion, roll was called:

Chairperson Collard: Yes

Member Fox: Yes

Member Tower: Yes

Member Schulze: Yes

Member Ross: Yes

Motion Carried.

Approval of the minutes from December 5, 2019 Planning Board meeting

A motion was made to approve the minutes as presented by Member Fox and seconded by Member Tower. All in favor, motion carried.

Public hearing for Minor Subdivision for Jaysen Bryk and Jennifer Valint, vacant parcel on Calkins Road, Tax Map ID 59.00-2-71

Chairperson Collard opened the public hearing by reading the agenda item. Attorney William Berard was present and stated he represents both Mr. Bryk and Ms. Valint, who were also present. He explained that the lot is already deeded to both parties but they would like to divide it into two individual parcels.

Code Enforcer Jeffery stated that the subdivision meets all code regulations, but that the parcel that will be deeded to Mr. Bryk will need to be merged to his parcel with his existing home because there is not enough road frontage to meet code otherwise. Mr. Bryk stated he had no problem with this requirement. Code Enforcer Jeffery stated that Ms. Valint does not have to merge her parcels as both have sufficient road frontage. Code Enforcer Jeffery displayed a satellite image to illustrate to the Board and audience the property.

With no comment from the audience, a motion to close the public hearing was made by Vice Chairperson Schulze and seconded by Member Fox. All in favor, motion carried.

With no further comments or questions from the Board, a motion was made to approve the Minor Subdivision with the condition that Mr. Bryk complete an Assessor Merge of his two parcels once the subdivision deed was recorded by the County Clerk. The motion was made by Member Fox and seconded by Member Tower.

With no further discussion, roll was called:

Chairperson Collard: Yes

Vice Chairperson Schulze: Yes

Member Fox: Yes

Member Tower: Yes

Member Ross: Yes

Motion Carried.

Public hearing for Minor Subdivision for Deborah Parker, 3903 Ransomville Road, Ransomville, Tax Map ID 62.00-1-27

A motion to open the public hearing with the reading of the agenda item was made by Member Tower and seconded by Vice Chairperson Schulze. All in favor, motion carried.

Mrs. Parker was present and Code Enforcer Jeffery explained that she would like to subdivide the current home from a larger parcel where she will build a new home. The survey of the subdivision was provided for illustration.

Vice Chairperson Schulze asked Mrs. Parker if there were any changes from the previous sketch plan and Mrs. Parker stated everything was the exact same as presented earlier.

Code Enforcer Jeffery stated that it was noticed that the current deed has incorrect measurements from the survey. He explained that the house lot will have 185 feet of road frontage, but the deed was listed as 210 feet. He continued that the new survey is reflective of the measurements and the deed is incorrect. The subdivision will have all legal size lots, so this inconsistency between the documents does not require

anything further to comply with code. He stated that the new subdivision will yield new deeds based upon the current survey which is the legal document.

Mrs. Parker asked if the size of the survey would suffice as it was undersized. Chairperson Collard stated that all of the information was included and he would accept the survey as presented for this application.

Member Fox stated that once the subdivision occurs, there will be a barn on a parcel without a home. He stated that a condition needs to be included with the decision that the home be constructed.

With no comment from the audience, a motion to close the public hearing was made by Vice Chairperson Schulze and seconded by Member Fox. All in favor, motion carried.

With no further comments or questions from the Board, a motion was made to approve the Minor Subdivision with the condition that a building permit for a new build home be pulled to start construction within one (1) year of the subdivision approval. The motion was made by Member Tower and seconded by Vice Chairperson Schulze.

With no further discussion, roll was called:

Chairperson Collard: Yes

Vice Chairperson Schulze: Yes

Member Fox: Yes

Member Tower: Yes

Member Ross: Yes

Motion Carried.

Sketch plan review and subdivision size determination (Minor or Major) for David Truesdale, 1074 Cain Road, Youngstown, Tax Map 60.00-2-9

David Truesdale was not present, but Code Enforcer Jeffery stated that he could explain the project for the Board. He displayed a satellite image and explained that David and his brother Allan own a parcel of land that currently has both Mr. Truesdale's home as well as his brother's home. Mr. Truesdale wants to subdivide the property into six parcels – one for himself, one for his brother, and 4 other vacant building lots.

Code Enforcer Jeffery stated that the Planning Board can accept the project as either a major or minor subdivision by resolution (for a minor subdivision). The survey to complete the subdivision was done in the past, but the division was not presented to the Planning Board.

Code Enforcer Jeffery stated that there would be no new roads or major utilities with this subdivision in his opinion it could be classified as a minor subdivision. Member Tower stated that he didn't want to set this type of precedent for the future without Mr. Truesdale present to explain his project and the opinion of Attorney Dowd. Code Enforcer Jeffery stated he would review the code to determine where it specifically states that this determination can be made by resolution. All Members agreed.

Member Ross asked if the subdivided lots would meet the minimum code requirements and Code Enforcer Jeffery stated they would be well over the minimum lot size.

With no further discussion, a motion to table the determination was made by Vice Chairperson Schulze and seconded by Member Ross. All in favor, motion carried.

Correspondence / New / Old / Miscellaneous Business

None.

Attorney Dowd's report

Attorney Dowd was absent.

Code Enforcer Jeffery's report

Code Enforcer Jeffery stated he had to take unexpected time off and did not have the opportunity to complete his report but would send it to the Members once complete. He stated there were not any pressing issues for the Members. He did state that the Town Board is going to re-examine the Solar Law and a brief discussion ensued regarding solar. He continued that a public hearing will be held on January 13, 2020 at 6:00 p.m. for input about the law and a possible moratorium.

With no further discussion, a motion to adjourn the meeting at 8:06 p.m. was made by Member Fox and seconded by Vice Chairperson Schulze. All in favor, motion carried.